

EXHIBIT F

Subject: Re: DOC-NOAA-2019-000461
Date: Monday, January 28, 2019 at 3:03:27 PM Bolivia Time
From: Nick Fromherz
To: Samuel Dixon
CC: Steven Goodman - NOAA Federal, Lola Stith - NOAA Affiliate, Brett Sommermeyer
Attachments: image001.jpg

Dear Mr. Dixon,

Thank you for writing in response to my phone call. While we sympathize with the agency's situation in light of the shutdown, we respectfully remind the agency that a shutdown does not legally justify failure to comply with the statutory deadlines. Under 5 U.S.C. § 552(a)(6)(A)(i), an agency receiving a FOIA request is required to "determine within 20 days . . . whether to comply with such request and shall immediately notify the person making such request of," *inter alia*, "such determination and the reasons therefor[.]" We submitted our request via FOIAonline on December 21, 2018. As such, the final day for a determination was January 23, 2019.

While a 10-day extension is available under FOIA in the case of "unusual circumstances," proper invocation of this exception requires, at a minimum, timely "written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched." 5 U.S.C. § 552(a)(6)(B)(ii). The agency has not invoked unusual circumstances in this case.

In light of the above, we kindly request a formal determination under 5 U.S.C. § 552(a)(6)(A)(i) no later than **February 4, 2019**. This does not constitute a waiver of any of our rights under FOIA, but is simply an attempt to secure a determination as soon as possible.

Please feel free to call me if you would like to discuss this matter further.

Sincerely,

Nick Fromherz



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From: Samuel Dixon <samuel.dixon@noaa.gov>
Date: Monday, January 28, 2019 at 11:00 AM
To: Nick Fromherz <nick@seashepherdlegal.org>
Cc: Steven Goodman - NOAA Federal <Steven.Goodman@noaa.gov>, Lola Stith - NOAA Affiliate <lola.m.stith@noaa.gov>
Subject: DOC-NOAA-2019-000461

Hello Mr. Fromherz,

You recently called my supervisor Steve Goodman about this FOIA request you submitted, I just took a look at it and it has been entered into our tracking system but has not yet been assigned out to a line office for processing. I would expect that to happen in the next few days.

Please let me know if you have any further questions.

Thanks,
Samuel Dixon
NMFS Assistant FOIA Liaison
Contractor - IBSS Corp
(301) 427-8739
samuel.dixon@noaa.gov